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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,549	03/20/2001	Osamu Kawai	1081.1115	9082

21171 7590 01/19/2005

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EXAMINER	
CHEUNG, MARY DA ZHI WANG	
ART UNIT	**PAPER NUMBER**
3621	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/811,549	KAWAI ET AL.	
	Examiner	Art Unit	
	Mary Cheung	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1. This action is in response to the election of the restricted claims filed on December 1, 2004. Claims 1-17 are currently pending and elected. Claim 18 is canceled, and thus any the arguments regard to claim 18 will not be considered.

Response to Arguments

2. Applicant's arguments filed July 6, 2004 have been fully considered but they are not persuasive.

Applicant argues that Bondi (U. S. Patent 6,333,979) fails to teach or suggest a storing unit storing management information to classify each network apparatus based on a combination type, wherein said combination type is a type of a combination of a business entity providing a service to at least one of the network apparatuses and corresponding costs of the business entity related to providing of the at least one of the network apparatuses. Examiner respectfully disagrees. Bondi teaches routing communications from each terminal based on the type of the destination plan (column 4 lines 36-48), and the destination plan specifies the service provided to the terminal and corresponding costs of providing the service to the terminal (column 7 lines 36-62). In particular, the teaching of routing communications in Bondi corresponds to the limitation of "classify", and the calling services provided by the destination plan corresponds to the limitation of "providing a service".

Furthermore, applicant argues that Bondi or Farris (U. S. Patent 6,064,653) fails to teach a type of a combination of business entity providing a service. Examiner

respectfully disagrees because this matter is taught Bondi as combining plurality of factors (i.e. predetermine category) to generate a destination plan that provides service to the terminal (column 7 lines 36-62).

Applicant argues that Bondi and Farris fails to teach "in a case that a service capable of being utilized by said network apparatus is added, managing the sharing of the cost of providing of said distributed network apparatus by the business entity providing the added service and a business entity providing an existing service" as claimed in claim 17. As discussed in the present office action below, Bondi teaches this limitation except managing the sharing of the cost, and Farris teaches the deficiency of Bondi. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Bondi to include managing the sharing cost of said distributed network apparatus for optimizing the costs of the service.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the network apparatuses" in line 5. There is insufficient antecedent basis for this limitation in the claim. In lines 1-4 of the claim, there is only one network apparatus indicated by the applicant.

Claims 11-12 are rejected for incorporating the errors of their respective base claim 10 by dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 10-12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bondi et al., U. S. Patent 6,333,979.

As to claim 10, Bondi teaches a network apparatus capable of connecting to a network, said network apparatus comprising (Fig. 1):

a) A storing unit storing a combination type of at least one business entity bearing costs related to the network apparatus, wherein said combination type is a type of combination of a business entity providing a service to at least one of the network apparatuses and the corresponding costs of the business entity related to providing of the at least one of the network apparatuses, each network apparatus receiving the service from the business entity specified by said combination type (column 3 lines 10-18 and column 4 line 37 – column 5 line 65 and column 7 lines 16-63);

b) A communication unit sending said combination type stored in said storing unit with a network connection request to a predetermined server on the network (column 15 line 6 – column 16 line 12 and Figs. 16-17).

As to claim 11, Bondi teaches an overwriting unit, when said communicating unit receives said combination type from said server, overwriting said combination type stored in said storing unit with said received combination type (column 15 line 6 – column 16 line 12 and Figs. 16-17).

As to claim 12, an overwriting unit, when said communicating unit receives an combination type from said server, comparing said combination type stored in said storing unit with said received combination type, and in a case that there is no match, overwriting an combination type stored in said storing unit with said received combination type are taught by Bondi as an overwriting unit updating the combination type, and comparing said received combination type with an combination type stored in said storing unit to determine the ultimate route, said combination type is updated accordingly (column 15 line 6 – column 16 line 12 and Figs. 16-17).

Claim 16 is rejected for the similar reason as claim 10.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bondi et al., U. S. Patent 6,333,979.

As to claim 13, Bondi teaches all claimed limitation as discussed above except for a removable storage medium placed in the network apparatus. However, a removable storage medium is well known in the art, and it would have been obvious to one of ordinary skill in the art to include a removable storage medium placed in the network apparatus of Bondi because this would provide convenience for the user who would like to store information in a portable device.

9. Claims 1-9, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondi et al., U. S. Patent 6,333,979 in view of Farris, U. S. Patent 6,064,653.

As to claim 1, Bondi teaches a management device to manage costs related to network apparatuses, said management device comprising (abstract and column 4 lines 49-57 and Fig. 1):

a) A storing unit storing management information to classify each network apparatus based on a combination type, wherein said combination type is a type of a combination of a business entity providing a service to at least one of the network apparatuses and the corresponding costs of the business entity related to providing of the at least one of the network apparatuses, each network apparatus receiving the service from the business entity specified by said combination type (column 3 lines 10-18 and column 4 line 37 – column 5 line 65 and column 7 lines 16-63);

b) A managing unit managing costs related to each network apparatus based on said combination type (column 4 lines 49-57 and column 7 lines 36-63 and column 9 lines 55-62 and column 14 lines 57-59).

Bondi does not explicitly state that the costs related to each network apparatus are sharing costs. However, this matter is taught by Farris as managing the sharing costs to each network apparatus based on the routing (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the managing unit of Bondi to include managing the sharing costs related to each network apparatus for optimizing the costs of the service.

As to claims 2-3, Bondi teaches said management information comprises the shared cost of business entities in each combination type (see claim 1 above); and when said combination type is changed relative to each network apparatus, said managing unit computes for each business entity the difference between the cost, which each business entity corresponding to the combination type of prior to the change is already bearing, and the cost, which each business entity corresponding to the combination type of subsequent to the change will bear are taught by Bondi as said combination type is changed based on the computed destination plan, and said combination type is stored and is used later to compute another destination plan for optimizing the cost and quality of the service (column 4 lines 49-57 and column 7 lines 36-63 and column 9 lines 55-62 and column 14 lines 57-59 and column 15 line 6 – column 16 line 12 and Figs. 16-17).

As to claim 4, Bondi teaches each network apparatus connected to a network (Fig. 1).

As to claim 5, Bondi teaches each network apparatus connected to a network, and said management device further comprises a communication unit receiving via a network, a network connect request from each network apparatus, and when said combination type is changed relative to each network apparatus, the combination type of each network apparatus stored in said management information is updated to the combination type of subsequent to the change, said managing unit executes said computation relative to at least one of the network apparatuses which sent the network connection request (column 15 line 6 – column 16 line 12 and Figs. 1, 16-17).

As to claims 6-7, Bondi teaches each network apparatus connected to a network (Fig. 1),

a) Said management device further comprises a communication unit receiving said combination type stored before hand in a network apparatus with a network connection request from the network apparatus (column 15 line 6 – column 16 line 12 and Figs. 16-17),

b) When said combination type is changed relative to each network apparatus, the combination type of each network apparatus stored in said management information is updated to the combination type of subsequent to the change (column 15 line 6 – column 16 line 12 and Figs. 16-17);

c) Said managing unit compares said received combination type with the network apparatus combination type stored in said management information, and

in the case of a match, sends to the network apparatus information corresponding to the combination type, and in a case that there is not a match, sends to the network apparatus information corresponding to the combination type stored in said management information, and furthermore, by sending to the network apparatus the combination type of subsequent to said change, updates the combination type stored in the network apparatus to the combination type of subsequent to said change are taught by Bondi as said managing unit compares said received combination type with the network apparatus combination type stored in said management information to determine the ultimate route, said combination type is updated accordingly (column 15 line 6 – column 16 line 12 and Figs. 16-17).

As to claim 8, in case that there is no said match, upon receiving predetermined temporary change information together with said combination type sent from the network apparatus, said communication unit sends to the network apparatus information corresponding to said received combination type are taught by Bondi as said managing unit compares said received combination type with the network apparatus combination type stored in said management information to determine the ultimate route, said combination type is recorded accordingly (column 15 line 6 – column 16 line 12 and Figs. 16-17). Bondi does not specifically teach does not update said management information. Bondi teaches updating the history record of this transaction; however, this will not necessarily change the combination type (destination plan) for the network apparatus, specially, if certain patterns of the routings are not popular according to the

recorded history file, and the existing destination plan dominate majority of the routes. Accordingly, it would have been obvious to one of ordinary skill in the art to allow the teachings of Bondi to include a feature of do not update the management information if the change is determined to be temporary because this would avoid complexities of data analysis.

As to claim 9, Bondi modified by Farris teaches wherein costs related to each network apparatus are the purchasing costs of said network apparatus (see claim 1 above).

Claims 14 and 15 are rejected for the similar reason as claim 1.

As to claim 17, Bondi teaches a management method executed by a computer to manage costs of a network apparatus capable of utilizing a service provided by a business entity, the method executed by the computer comprising: managing the cost of a distributed network apparatus; and in a case that a service capable of being utilized by said network apparatus is added, managing the cost of providing of said distributed network apparatus by the business entity providing the added service and a business entity provided an existing service (column 4 line 49 – column 5 line 65 and column 7 lines 16-63 and column 9 lines 55-62 and column 14 lines 57-59 and column 15 line 6 – column 16 line 12 and Figs. 1, 16-17).

Bondi does not explicitly state the cost of said distributed network apparatus is the sharing cost. However, this matter is taught by Farris as managing the sharing cost to each network apparatus based on the routing (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the

teaching of Bondi to include managing the sharing cost of said distributed network apparatus for optimizing the costs of the service.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung
Patent Examiner
Art Unit 3621
January 14, 2005